

CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
9:00 A.M., November 9, 2004

City Council Chambers  
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the Minutes of the November 2, 2004, Meeting

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AWARDS AND PROCLAMATIONS

- Proclamations

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PUBLIC AGENDA

1. Oletha Goudeau - Faust-Piatt Park Memorial, Remembering the Victims.
2. Edward Adkins - 911 Call System and Police Response to Traffic Accidents.

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CONSENT AGENDA

3. Report of the Board of Bids and Contracts Dated November 8, 2004.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

4. Application for Licenses for Adult Entertainment Establishments/Services:

New Escort Service

Jessica Espinoza	Millennium Entertainment	2415 South Glendale
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<u>Renewal Escort Service</u>	<u>2004</u>	
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Marvin Gehrke	MT Management	304 South Laura
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<u>Renewal Adult Entertainment</u>	<u>2004</u>	
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Norman Massey Jr.	Circle Cinema	2570 South Seneca
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RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

5. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
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Saruib Irfan	DAO Variety Store	1601 East Central
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<u>New Establishment</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
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Wayne Larson	Sierra Hills Golf Cub	13420 East Pawnee
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RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

6. Preliminary Estimates:

- a) Storm Water Sewer #586 to serve Power CDC Second Addition - north of 35th Street North, west of Grove. (468-83573/751329/485220) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$84,180
- b) Lateral 6, Main 13 Four Mile Creek Sewer to serve Hawthorne 3rd Addition - north of 21st Street North, east of 127th Street East. (468-83871/744090/480778) Does not affect existing traffic. (District II) - \$241,000
- c) Williamsgate/Camden Chase from the east line of Peckham to the north line of 21st Street North to serve Hawthorne, Hawthorne Second and Third Additions - north of 21st Street North, east of 127th Street East. (472-83644/765774/490885) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$1,500,000

RECOMMENDED ACTION: Approve and file.

7. Deeds and Easements:

- a) Utility Easement dated October 12, 2004 from Maize Road, L.L.C. for a tract of land located in Lot 1, Block D, Southern n Ridge 2nd Addition, Wichita, Sedgwick County, Kansas (OCA #607861). No Cost to City.
- b) Sanitary Sewer Easement dated September 23, 2004 from Schrader Brothers Construction, Inc. for a tract of land located on Lot 3, Block 20, Oak Cliff Estates Addition, Wichita, Sedgwick County, Kansas (OCA #744065). No Cost to City.
- c) Sanitary Sewer Easement dated October 15, 2004 from Edward J. and Bettina C. Clupny for a tract of land located in Lot 8, Block B, Whistling Walk Estates, Wichita, Sedgwick County, Kansas (OCA# 607861). No Cost to City.

8. Petitions for Public Improvements:

- a) Street paving, sanitary sewer and water distribution system to serve Southern Ridge Addition, west of Maize, south of Pawnee. (District IV)
- b) Install traffic signals on Greenwich, approximately 850 feet north of 21<sup>st</sup> Street. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

9. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

10. Approval of Encroachment Agreement for 330-334 North Mead. (District VI)

RECOMMENDED ACTION: Approve Agreement/Contract; authorize necessary signatures.

11. Design Services Agreements:

- a) Gray's 5<sup>th</sup> Addition, north of 47<sup>th</sup> Street South, east of Hoover. (District IV)
- b) My House Addition, south of 55<sup>th</sup> Street South, west of Broadway. (District IV)
- c) Lateral 109, Sanitary Sewer No. 23, west of Arkansas, north of 41<sup>st</sup> Street North. (District VI)
- d) Highland Springs 3<sup>rd</sup> Addition, west of 135<sup>th</sup> Street West, south of Central. (District V)
- e) Hawthorne 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, and Krug North Additions, north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East. (District II)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

12. Expense for Senior Management for Month of September 2004.

RECOMMENDED ACTION: Receive and file report.

13. Contracts & Agreements, Professional Contracts under \$10,000 and Annual Maintenance Contracts over \$10,000, for October 2004.

RECOMMENDED ACTION: Receive and file the report.

14. Property Acquisition:

- a) Portions of the abandoned Union Pacific Rail Corridor for the Midtown Greenway. (District VI)
- b) Street right-of-way, 500 Block of West 27<sup>th</sup> Street North. (District VI)
- c) 9907 West Maple for the Cowskin Creek Channel Improvement Project: Kellogg to Maple. (District V)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

15. Police Substation Security Enhancements. (Districts I, III, IV)

RECOMMENDED ACTION: Approve the proposal and authorize the expense.

16. Tourism Research/Marketing Use for Convention and Visitors Bureau.

RECOMMENDED ACTION: Approve allocation from the "Tourism Research/Marketing" fund with the Convention and Tourism Bureau and authorize the necessary signatures.

17. Release of Easement Located Adjacent to the 200 Block of North Wichita. (District VI)

RECOMMENDED ACTION: Approve the Real Estate Purchase Contracts and authorize the necessary signatures.

18. Approval of Sale of Property Financed by Industrial Revenue Bonds, Goldsmiths, Inc. (District II)

RECOMMENDED ACTION: Adopt the resolution approving the sale of the Goldsmith's property and authorizing the execution of a Bill of Sale, Deed, Termination and Release of Lease and Partial Release of Indenture, and authorize the necessary signatures.

19. River Corridor Area Phase I and II Environmental Site Assessment.

RECOMMENDED ACTION: Approve the application for KDHE  
Funding of the Phase I and II investigation  
And authorize staff to proceed with the project

20. Payment of Condemnation Award, Case No. 04 CV 2547-WaterWalk Development. (District I)

RECOMMENDED ACTION: Authorize payment to the Clerk of the District  
Court in the amount of \$307,611 for  
acquisition of property interests condemned  
In Case No. 04 CV 2547.

21. Second Reading Ordinances: (First read November 2, 2004)

- a) Acquisition by eminent domain of tracts required for the East Kellogg/Rock Road Improvement Project.  
(District II)

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and widening of Kellogg Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof.

- a) Sidewalk repair assessments

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas.

- c) ZON 2003-12 - west side of Greenwich Road and North of Harry. (District II)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2004-00012

- d) ZON2004-00046 - generally located at the Intersection of South Exchange and West MacArthur.  
(District IV)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2004-00046

RECOMMENDED ACTION: Adopt Ordinances.

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UNFINISHED BUSINESS

22. Public Hearing and Request for Letter of Intent for Industrial Revenue Bonds, Fitness 2000 24hr Health Clubs. (District V)  
(Deferred October 12, 2004)

RECOMMENDED ACTION: Close the public hearing and deny the request from Fitness 2000 for a Letter of Intent to issue Industrial Revenue Bonds and property tax abatement on bond-financed property.

23. VAC2004-35-Request to Vacate Multiple Platted Easements Located Midway between Oliver Avenue and Edgemoor Drive on the Southeast Corner of Kellogg Avenue and Pinecrest Avenue. (District III)  
(Deferred November 2, 2004)

RECOMMENDED ACTION: 1. Follow the recommendation of the MAPC and approve the Vacation Order  
And authorize the necessary signatures;  
Or  
2. Follow staff recommendation and approve the Vacation Order, including the dedication of a 10 foot wide sidewalk and utility easement along the site's Kellogg Drive frontage and authorize the necessary signatures.

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NEW BUSINESS

24. Public Hearing and Issuance of Industrial Revenue Bonds, The Boeing Company. (District III)

Since 1979, the City of Wichita has approved over \$3.4 billion in Industrial Revenue bond financing, in conjunction with ad valorem tax exemptions, to Boeing Commercial Airplanes, Wichita Division "Boeing Wichita", a division of The Boeing Company.

RECOMMENDED ACTION: Close the public hearing and approve first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$67 million.

25. 2005 City of Wichita Legislative Program.

The process of drafting the 2005 Legislative Program began in August when requests for proposed legislation were distributed to City Council Members and City Departments. Discussions have also taken place with Sedgwick County, Regional Economic Area Partnership (REAP), League of Kansas Municipalities, Kansas Association of Counties, USD 259, Wichita Area Chamber of Commerce, Wichita Independent Business Association, in an effort to identify and prepare for issues, which are likely to be considered by the 2005 Legislature.

RECOMMENDED ACTION: Adopt the 2005 Legislative Program.

26. Allocation of 2005 Special Liquor Tax Funds.

In December of 1999, the City Council changed the way Special Liquor Tax allocations are made to fund alcohol and substance abuse providers. At that time the Council also laid the groundwork for the formation of a Special Liquor Tax Coalition, comprised of local substance abuse professionals.

RECOMMENDED ACTION: Approve 2005 funding allocations; approve development of provider contracts based on those allocations; and authorize the necessary signatures.

27. Authorize Submission of Historic Preservation Fund Grant Proposal FY 2005. (All Districts)

As a Certified Local Government (CLG), the City of Wichita is eligible to participate in the Historic Preservation Fund (HPF) Grant program administered by the Kansas State Historic Preservation Office to finance activities that will contribute to planning for the preservation of our built environment and archaeological resources.

RECOMMENDED ACTION: Authorize the submission of the grant proposals for FY2005 Historic Preservation Fund Grant through the Kansas State Historical Society and authorize the Mayor to sign the grant application and grant award documents.

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PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

28. \*ZON2004-00049-Zone Change from General Office to Limited Commercial. Generally Located Southwest of Seneca and Patterson. (District IV)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the first reading of the Ordinance establishing the zone change; or  
2. Return the application to MAPC for reconsideration.

29. \*CON2004-34-Conditional Use for Ancillary Parking on Property Zoned Multi-Family Residential. Generally Located South of Central and West of Waco. (District VI)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the Conditional Use subject to the recommended conditions; authorize the Mayor to sign the Resolutions; or  
2. Return the application to the MAPC for reconsideration.

30. \*PUD2004-03-Amendment #1 to PUD #12 Equestrian Estates to Permit a Neighborhood Swimming Pool. Generally Located One-Fourth Mile South of Harry on the Southwest Corner of Triple Crown Court and Triple Crown Street, 1777 S. Triple Crown St. (District II)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC, approve amendment #1 to PUD #12 and place the ordinance amending PUD#12 on first reading; or  
2. Return the application to MAPC for reconsideration.

31. \*ZON2004-48-Zone Change from Single-Family to Limited Commercial. Generally Located North of Kellogg and East of Maize Road. (District V)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the zone change subject to the condition of platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or  
2. Return the application to the MAPC for reconsideration.

32. \*DED2004-23 and 24-Dedication of Utility Easements for Property Located on the South Side of Harry and West of Hoover Road. (District IV)

RECOMMENDED ACTION: Accept the Dedications.



33. \*DED2004-25 and DED2004-26-Dedications of Utility Easements; DED2004-27 and DED2004-28-Dedications of Street Right-of-Way for Property Located West of Seneca and North of 53<sup>rd</sup> Street North. (District VI)

RECOMMENDED ACTION: Accept the Dedications.

34. \*VAC2004-41-Request to Vacate a Platted Utility Easement, Generally Located Midway between 29<sup>th</sup> Street North and 37<sup>th</sup> Street North, on the East Side of Ridge Road, southeast of Westwind Bay Court and Westwind Bay. (District V)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

35. ZON2004-00050-Zone Change from Single-Family Residential to Neighborhood Office. Generally Located West of Amidon and 34<sup>th</sup> Street North. (District VI)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the zone change subject to the protective overlay conditions; place the ordinance establishing the zone change on first reading; or  
2. Return the application to the MAPC for reconsideration.

36. CUP2004-34 – Amend DP106 Northwest Village Community Unit Plan to Allow for Emergency Medical and Diagnostic Services, and Educational Services. Generally Located Northeast of the Intersection of North Tyler Road and West 13<sup>th</sup> Street North. (District V)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC to allow “emergency medical and diagnostic services, and education services” to occur on the applicants’ portion of Parcel 4 of DP-106; or  
2. Return the application to the MAPC for reconsideration.

37. CUP2004-31-Amend DP18 #2-Amendment to the River Bend Shopping Center Community Unit Plan. Generally Located North of 21<sup>st</sup> Street North and West of Hood. (District VI)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and deny the request to amend Community Unit Plan DP-18 to allow a “night club in the city;” or  
2. Return the application to the MAPC for reconsideration.

38. DR2004-0004-Adoption of Proposed Rezoning for Certain Properties in the McAdams Neighborhood. Generally Located East of Washington Street, West of Hydraulic Street, North of Murdock/8<sup>th</sup> Street and South of 17<sup>th</sup> Street North. (District I)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and adopt the Ordinance approving the McAdams neighborhood Rezoning proposal. Or  
2. Return the proposal to the MAPC for reconsideration.

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### AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

\* Consent items.

39. \*Airport New Service Announcement Media Buy.

RECOMMENDED ACTION: Continue utilizing the services of Sullivan Higdon Sink.

40. \*Agreement-God's Speed Flights, Inc. and Limousine Service.

RECOMMENDED ACTION: Approve the agreement and authorize the necessary signatures.

41. \*Supplemental Agreement No. 3-Professional Insurance Management 2120 Airport Road, Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the Supplemental Agreement and authorize the necessary signatures.

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HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

\* Consent items.

**Inafay Grays-McClellan, Housing Member is also seated with the City Council.**

42. \*2004-2005 Payment Standards-Section 8 Housing Choice Vouchers.

RECOMMENDED ACTION: Approve the revised Payment Standards for the Section 8 Voucher Program to be effective for December 1, 2004, for new clients and current clients who are relocating, and as of February 1, 2005, for current clients at the time of their annual re-certification.

43. \*2004-2005 Utility Allowances-Section 8 Programs.

RECOMMENDED ACTION: Approve the utility allowances for the 2004-2005 fiscal year for the Section 8 Rental Assistance Programs, effective on December 1, 2004, for new clients and current clients who are relocating and as of February 1, 2005, for current clients at the time of their annual re-certification.

44. \*2005 Utility Allowances-Public Housing Program.

RECOMMENDED ACTION: Review and approve the 2005 utility allowances for the Public Housing Program, effective February 1, 2005.

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CITY COUNCIL

45. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

\*\*\*Adjournment\*\*\*